

Approved: Courtney L. Heavey
 COURTNEY L. HEAVEY
 Assistant United States Attorney

Before: THE HONORABLE PAUL E. DAVISON
 United States Magistrate Judge
 Southern District of New York

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	:	
UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
	:	
- v. -	:	Violation of 8 U.S.C.
	:	§§ 1326(a) & (b)(2)
ANTHONY RICARDO MORGAN,	:	
a/k/a "Anthony R Green,"	:	COUNTY OF OFFENSE:
a/k/a "Richard Williams,"	:	ORANGE
a/k/a "Richard Green,"	:	
a/k/a "Anthony Sissing,"	:	19M4036
a/k/a "Ricardo Sessing,"	:	
	:	
Defendant.	:	
	:	
- - - - -	X	

SOUTHERN DISTRICT OF NEW YORK, ss.:

RODRIGO GONZALEZ, being duly sworn, deposes and says that he is a Deportation Officer with the U.S. Department of Homeland Security, Immigration and Customs Enforcement, and charges as follows:

COUNT ONE
 (Illegal Reentry)

1. From at least on or about March 28, 2019 in the Southern District of New York and elsewhere, ANTHONY RICARDO MORGAN, a/k/a "Anthony R Green," a/k/a "Richard Williams," a/k/a "Richard Green," a/k/a "Anthony Sissing," a/k/a "Ricardo Sessing," the defendant, being an alien, unlawfully did enter and was found in the United States, after having been removed from the United States subsequent to a conviction for the commission of an aggravated felony, without having obtained the express consent of the Attorney General of the United States or

his successor, the Secretary for the Department of Homeland Security, to reapply for admission.

(Title 8, United States Code, Sections 1326(a) and (b)(2).)

The bases for my knowledge and the foregoing charge are, in part, as follows:

2. I am a Deportation Officer with the U.S. Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and others and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my review of the records maintained by ICE regarding ANTHONY RICARDO MORGAN, a/k/a "Anthony R Green," a/k/a "Richard Williams," a/k/a "Richard Green," a/k/a "Anthony Sissing," a/k/a "Ricardo Sessing," the defendant, (hereinafter referred to as "MORGAN") I have learned, among other things, the following:

a. MORGAN is a native and citizen of Jamaica. MORGAN is not and has never been a citizen of the United States.

b. On or about February 24, 1993, MORGAN was admitted to the United States as a lawful permanent resident.

c. On or about August 19, 2002, MORGAN was arrested in Orange County, New York on two counts of criminal sale of a controlled substance in the third degree, in violation of New York Penal Code § 220.39 and two counts of criminal possession of a controlled substance in the third degree, in violation of New York Penal Code § 220.16.

d. On or about August 19, 2002, in connection with the arrest described above, MORGAN's fingerprints were taken by the Newburgh City Police Department. MORGAN's fingerprints taken on or about that date have since been maintained in law enforcement records.

e. On or about January 10, 2003, in Orange County Court in New York, MORGAN pleaded guilty to the criminal sale of a controlled substance in the third degree, in violation of New York Penal Code § 220.39(01) (the "2003 Conviction").

f. On or about March 12, 2003, MORGAN was sentenced to two to eight years confinement in the New York State Ulster Correctional Facility in connection with the 2003 Conviction.

g. On or about August 26, 2004, MORGAN was removed from the United States based on a Final Order of Removal issued by an Immigration Judge on or about May 6, 2004 (the "2004 Removal").

h. On or about August 26, 2004, in connection with his removal, MORGAN's right index fingerprint was taken by ICE. MORGAN'S fingerprint taken on or about that date has since been maintained in law enforcement records.

i. On or about December 7, 2005, United States Customs and Border Patrol detained MORGAN after he was found attempting to enter the United States on a private boat.

j. On or about December 7, 2005, MORGAN's fingerprints were taken in connection with his detention by the United States Marshals Southern District of Florida.

k. On or about December 28, 2005, MORGAN was transferred to ICE custody and placed in removal proceedings.

l. On or about February 27, 2006, MORGAN was removed from the United States based on an Order of Removal issued by an Immigration Judge on or about February 6, 2006 (the "2006 Removal").

m. On or about February 27, 2006, in connection with his removal, MORGAN'S right index fingerprint was taken by ICE. MORGAN'S fingerprint taken on or about that date has since been maintained in law enforcement records.

n. At some point after February 27, 2006 and before March 22, 2019, MORGAN unlawfully reentered the United States for at least the second time.

o. On or about March 22, 2019, MORGAN was arrested in Newburgh, New York for criminal possession of

marijuana in the second degree, in violation of New York Penal Code § 221.25.

p. On or about March 28, 2019, MORGAN was transferred to ICE custody and a Final Decision to Reinstate the 2004 Order of Removal was issued by a Deportation Officer with the Department of Homeland Security.

q. On or about March 28, 2019, MORGAN's fingerprints were taken by ICE. MORGAN'S fingerprints taken on or about that date have since been maintained in law enforcement records.

r. MORGAN is currently in the custody of ICE at the Orange County Jail.

4. Based on my review of fingerprint records, the fingerprints taken by the Newburgh City Police Department from ANTHONY RICARDO MORGAN, a/k/a "Anthony R Green," a/k/a "Richard Williams," a/k/a "Richard Green," a/k/a "Anthony Sissing," a/k/a "Ricardo Sessing," the defendant, on or about August 19, 2002, match (i) the fingerprint taken from MORGAN by ICE on or about August 26, 2004, (ii) the fingerprints taken from MORGAN by United States Customs and Border Patrol on or about December 7, 2005, (iii) the fingerprint taken from MORGAN by ICE on February 27, 2006, and (iv) fingerprints taken from MORGAN by ICE on or about March 28, 2019 as described above.

5. A search of all relevant Department of Homeland Security indices has confirmed that, following his first removal from the United States on or about August 26, 2004, ANTHONY RICARDO MORGAN, a/k/a "Anthony R Green," a/k/a "Richard Williams," a/k/a "Richard Green," a/k/a "Anthony Sissing," a/k/a "Ricardo Sessing," the defendant, never obtained the express consent of the Attorney General of the United States, or his successor, the Secretary for the Department of Homeland Security, to reapply for admission.

6. Based upon my experience with ICE, I understand that the 2003 Conviction of MORGAN, for criminal sale of a controlled substance in the third degree, in violation of New York Penal Code § 220.39 as described above, qualifies as an "aggravated felony" within the meaning of Section 1326(b)(2) of Title 8 of the United States Code.



RODRIGO GONZALEZ
Deportation Officer
Immigration and Customs Enforcement
U.S. Department of Homeland Security

Sworn to before me this
25th day of April 2019



THE HONORABLE PAUL E. DAVISON
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK